

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")  
 Dated: June 5, 2006.

**David I. Maurstad,**  
 Director, Mitigation Division, Federal  
 Emergency Management Agency, Department  
 of Homeland Security.  
 [FR Doc. 06-5309 Filed 6-9-06; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND  
 SECURITY**

**Federal Emergency Management  
 Agency**

**44 CFR Part 67**

[Docket No. FEMA-D-7662]

**Proposed Flood Elevation  
 Determinations**

**AGENCY:** Federal Emergency  
 Management Agency (FEMA),  
 Department of Homeland Security,  
 Mitigation Division.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or  
 comments are requested on the  
 proposed Base (1% annual chance)  
 Flood Elevations (BFEs) and proposed  
 BFE modifications for the communities  
 listed below. The BFEs are the basis for  
 the floodplain management measures  
 that the community is required either to  
 adopt or to show evidence of being  
 already in effect in order to qualify or  
 remain qualified for participation in the  
 National Flood Insurance Program  
 (NFIP).

**DATES:** The comment period is ninety  
 (90) days following the second  
 publication of this proposed rule in a  
 newspaper of local circulation in each  
 community.

**ADDRESSES:** The proposed BFEs for each  
 community are available for inspection  
 at the office of the Chief Executive  
 Officer of each community. The  
 respective addresses are listed in the  
 table below.

**FOR FURTHER INFORMATION CONTACT:**  
 William R. Blanton, Jr. CFM, Acting  
 Section Chief, Engineering Management  
 Section, Mitigation Division, 500 C  
 Street, SW., Washington, DC 20472,  
 (202) 646-3151.

**SUPPLEMENTARY INFORMATION:** FEMA  
 proposes to make determinations of  
 BFEs and modified BFEs for each  
 community listed below, in accordance  
 with Section 110 of the Flood Disaster  
 Protection Act of 1973, 42 U.S.C. 4104,  
 and 44 CFR 67.4(a).

These proposed BFEs and modified  
 BFEs, together with the floodplain  
 management criteria required by 44 CFR  
 60.3, are the minimum that are required.  
 They should not be construed to mean  
 that the community must change any  
 existing ordinances that are more  
 stringent in their floodplain  
 management requirements. The  
 community may at any time enact  
 stricter requirements of its own, or  
 pursuant to policies established by other  
 Federal, State or regional entities. These  
 proposed elevations are used to meet  
 the floodplain management  
 requirements of the NFIP and are also  
 used to calculate the appropriate flood  
 insurance premium rates for new  
 buildings built after these elevations are  
 made final, and for the contents in these  
 buildings.

*National Environmental Policy Act.*  
 This proposed rule is categorically  
 excluded from the requirements of 44  
 CFR part 10, Environmental  
 Consideration. No environmental  
 impact assessment has been prepared.

*Regulatory Flexibility Act.* The  
 Mitigation Division Director certifies  
 that this proposed rule is exempt from  
 the requirements of the Regulatory  
 Flexibility Act because proposed or  
 modified BFEs are required by the Flood  
 Disaster Protection Act of 1973, 42  
 U.S.C. 4104, and are required to  
 establish and maintain community  
 eligibility in the NFIP. As a result, a  
 regulatory flexibility analysis has not  
 been prepared.

*Regulatory Classification.* This  
 proposed rule is not a significant  
 regulatory action under the criteria of  
 Section 3(f) of Executive Order 12866 of  
 September 30, 1993, Regulatory  
 Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.*  
 This rule involves no policies that have  
 federalism implications under Executive  
 Order 13132.

*Executive Order 12988, Civil Justice  
 Reform.* This rule meets the applicable  
 standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and  
 procedure, flood insurance, reporting  
 and recordkeeping requirements.

Accordingly, 44 CFR part 67 is  
 proposed to be amended as follows:

**PART 67—[AMENDED]**

1. The authority citation for part 67  
 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*;  
 Reorganization Plan No. 3 of 1978, 3 CFR,  
 1978 Comp., p. 329; E.O. 12127, 44 FR 19367,  
 3 CFR, 1979 Comp., p. 376.

**§ 67.4 [Amended]**

2. The tables published under the  
 authority of § 67.4 are proposed to be  
 amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified
Massachusetts .....	Plymouth (Town), .. Plymouth County ...	Plymouth ..... Harbor/Plymouth Bay .....	At Clarks Island ..... Approximately 500 feet north of the inter- section of State Route 3A and Clifford Road.	•12 •18	•10 •29
Maps available for inspection at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts. Send comments to Mr. Mark Sylvia, Plymouth Town Manager, 11 Lincoln Street, Plymouth, Massachusetts 02360.					
North Carolina .....	Atkinson (Town), Pender County.	Mill Branch (of Moores Creek).	Approximately 0.7 mile downstream of NC Highway 53. At Church Street (NC Highway 53) .....	None None	•43 •64

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)	
				Existing	Modified

Maps available for inspection at the Atkinson Town Hall, 200 North Town Hall Avenue, Atkinson, North Carolina.

Send comments to The Honorable George Stalker, Mayor of the Town of Atkinson, 200 North Town Hall Avenue, Atkinson, North Carolina 28421.

North Carolina .....	Orange County (Unincorporated Areas).	Haw River .....	At the Orange/Chatham County boundary	None	•415
			Approximately 1.2 miles upstream of East Greensboro-Chapel Hill Road.	None	•429

Maps available for inspection at the Orange County Planning and Inspections Department, 306F Revere Road, Hillsborough, North Carolina.

Send comments to Mr. John M. Link, Jr., Orange County Manager, 200 South Cameron Street, Hillsborough, North Carolina 27278.

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[FR Doc. E6-9130 Filed 6-9-06; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AU48**

**Endangered and Threatened Wildlife and Plants; Amended Designation of Critical Habitat for the Wintering Population of the Piping Plover**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to amend critical habitat for the wintering population of the piping plover (*Charadrius melodus*) in North Carolina under the Endangered Species Act of 1973, as amended (Act). In total, approximately 1,827 acres (ac) (739 hectares (ha)) fall within the boundaries of the proposed amended critical habitat designation, located in Dare and Hyde counties, North Carolina.

**DATES:** We will accept comments from all interested parties until August 11, 2006. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by July 27, 2006.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials concerning this proposal by any one of the following methods:

1. You may submit written comments and information to Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Fish and Wildlife Office, P. O. Box 33726, Raleigh, North Carolina 27636-3726.

2. You may hand-deliver written comments to our office, at Raleigh Field Office, 551-F Pylon Drive, Raleigh, North Carolina 27606.

3. You may send comments by electronic mail (e-mail) to [ncplovercomments@fws.gov](mailto:ncplovercomments@fws.gov). Please see the "Public Comments Solicited" section under **SUPPLEMENTARY INFORMATION** for file format and other information about electronic filing.

4. You may fax your comments to 919-856-4556.

5. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the Raleigh Fish and Wildlife Office, 551-F Pylon Drive, Raleigh, North Carolina 27606 (telephone 919-856-4520).

**FOR FURTHER INFORMATION CONTACT:** Pete Benjamin, Field Supervisor, Raleigh Fish and Wildlife Office, telephone 919-856-4520, facsimile 919-856-4556.

**SUPPLEMENTARY INFORMATION:**

**Public Comments Solicited**

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. We particularly seek comments concerning:

(1) The reasons any habitat should or should not be determined to be critical

habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation will outweigh any threats to the species due to designation;

(2) Specific information on the amount and distribution of wintering piping plover habitat in North Carolina, and what areas should be included in the designation that were occupied at the time of listing that contain the features that are essential for the conservation of the species and why, and what areas were not occupied at the listing is essential to the conservation of the species and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments;

(6) Whether our determination that areas identified as not being in need of special management is accurate; and

(7) Information to assist the Secretary of the Interior in evaluating habitat with physical and biological features essential to the conservation of the piping plover on Cape Hatteras National Seashore, administered by the National Park Service, based on any benefit provided by the Interim Protected Species Management Strategy/ Environmental Assessment (Interim Strategy) to the conservation of the wintering piping plover.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of